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Universal Periodic Review

Report of the Working Group on the Universal Periodic Review*

Zimbabwe

Addendum

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

* The present document was not edited before being sent to the United Nations translation services.

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Introduction

1. The Republic of Zimbabwe presented its Report under the Universal Periodic Review during the twenty-sixth session of the Working Group of the Human Rights Council. During the Review, Zimbabwe received two hundred and sixty (260) recommendations, of which one hundred and forty-two (142) were supported during the session, eighteen (18) were noted and one hundred (100) were deferred, as they required further consideration at the national level.

2. Zimbabwe considered the hundred deferred recommendations and fourteen (14) are supported. The supported recommendations are based on Zimbabwe's capacity to implement these within the next UPR cycle. Zimbabwe has accepted mostly recommendations that are in the process of being implemented in accordance with our developmental programmes.

3. Eighty-six (86) of the deferred recommendations do not enjoy the support of Zimbabwe and have thus been noted. The noted recommendations are those that Zimbabwe is unable to commit to implementation immediately or those that are inconsistent with national policies.

4. Below is an explanation of Zimbabwe's final position on the deferred recommendations. The recommendations have been grouped according to thematic issues.

I. Ratification of international human rights instruments

Ratification of the United Nations Convention Against Torture and Other Cruel or Inhuman and Degrading Punishment and its optional Protocol (CAT/OPCAT)[1] and other conventions and international human rights treaties that Zimbabwe is not party to

5. Noted. Does not enjoy the support of the State.

6. For purposes of clarity recommendations **132.1** and **132.2** are wholly noted.

Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and their Families[2]

7. Noted. Does not enjoy the support of the State.

Ratification of the International Convention for the Protection of All Persons from Enforced Disappearances[3]

8. Noted. Does not enjoy the support of the State.

Ratification of the Optional Protocol of the Convention on the Elimination of all Forms of Discrimination against Women[4]

9. Noted. Does not enjoy the support of the State.

Ratification of the First and Second Optional Protocols to the International Covenant on Civil and Political Rights[5]

10. Noted. Does not enjoy the support of the State.

Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights[6]

11. Noted. Does not enjoy the support of the State.

Ratification of the Optional Protocol 3 to the UN Convention on the Rights of the Child[7]

12. Noted. Does not enjoy the support of Zimbabwe.

Ratification of ILO Convention 189[8]

13. Noted. The matter is still under consideration.

Recommendation 132.33

14. Noted. Does not enjoy the support of the State.

II. Adoption of an immediate moratorium on the death penalty[9]

15. Noted. The matter is receiving attention by the Government.

III. Enactment of national legislation abolishing the death penalty for all crimes

16. Noted. The matter is receiving attention by the Government.

IV. Freedom of expression and freedom of the media[10]

17. Zimbabwe supports in part recommendation **132.62.** The Government is currently reviewing all laws in order to align them to the Constitution and this includes the Access to Information and Protection of Privacy Act and the Public Order and Security Act. However, no commitment can be made towards the repeal of the above mentioned Acts and the recommendation is not supported in that respect.

18. Recommendation **132.93** enjoys the support of Zimbabwe. The recommendation was for Zimbabwe to make efforts to promote free and unbiased local media, including by removing restrictions on local radio broadcasts.

19. Recommendation **132.66** is noted.

20. Recommendation **132.92** is noted. Does not enjoy the support of the State.

V. Recommendation to review and update the Private Voluntary Organisations Act[11]

21. Noted. The Act has already been reviewed and updated in line with International standards.

VI. Recommendation to repeal and amend the Public Order and Security Act[12]

22. Noted. Does not enjoy the support of Zimbabwe.

23. The Public Order and Security Act is compliant with the Constitution of Zimbabwe and this has been recently confirmed by the High Court of Zimbabwe.

VII. Recommendation to repeal the ban on public demonstrations[13]

24. Noted. The law allows for peaceful demonstrations in Zimbabwe subject to permissible restrictions in terms of the Constitution.

VIII. Family, marriage and divorce laws[14]

25. Noted. Does not enjoy the support of Zimbabwe.

IX. Independence of the Zimbabwe Human Rights Commission[15]

26. These recommendations are supported in part by the State. The Zimbabwe Human Rights Commission is independent and enjoys financial autonomy. Zimbabwe does not fully appreciate the aspect of the recommendations concerning immunity and as such those aspects of the recommendations cannot be supported.

X. Humanitarian agencies[16]

27. Noted. Does not enjoy the support of Zimbabwe on the basis that the law guarantees the agencies freedom to operate freely provided that they operate within the confines of the law.

XI. Standing invitation to special procedures and their requests to visit Zimbabwe[17]

28. Both parts are noted. Do not enjoy the support of the State.

29. Zimbabwe will consider inviting them and any request on a case by case basis.

XII. Birth registration[18]

30. Enjoys the support of the State.

XIII. Child care[19]

31. The recommendation is accepted in part. Zimbabwe is already pursuing efforts to ensure that all children are progressively afforded free quality health care. Zimbabwe is also progressively implementing various child protection programmes in line with international obligations as enshrined in the United Nations Convention on the Rights of

the Child. Zimbabwe is however unable to support the part of the recommendation concerning corporal punishment as this matter is still pending before the Constitutional Court.

XIV. State justice accountability systems[20]

32. Enjoys the support of the State

XV. Civil society organisations[21]

33. Recommendation **132.94** enjoys the support of the State. All members of the Zimbabwean society are afforded equal protection by the law. No individual is above the law.

34. Recommendation **132.96** enjoys partial support of the State. Zimbabwe is committed to providing a safe and enabling environment for civil society. The aspect of the recommendation concerning a visit by the Special Rapporteur on the situation of Human Rights Defenders is noted.

XVI. Recommendation 132.95[22]

35. Noted. Does not enjoy the support of the State.

XVII. Freedom of assembly and association[23]

36. Enjoy the support of the State.

XVIII. Human rights defenders[24]

37. Recommendation **132.99** enjoys the support of the State. The national laws provide adequate protection for all members of society including human rights defenders.

XIX. Enactment of specific legislation to protect human rights defenders[25]

38. Does not enjoy the support of the State on the basis that Zimbabwe already has laws that provide adequate protection, hence there is no need to enact new laws.

Notes

[1] Recommendations 132.1; 132.2; 132.3; 132.4; 132.5; 132.6; 132.7; 132.8; 132.9; 132.10; 132.11; 132.12; 132.13; 132.14; 132.15; 132.16; 132.17; 132.18; 132.19; 132.20; 132.21; 132.22; 132.23; 132.24;132.27; 132.31; 132.33; 132.34; 132.38; 132.42; 132.45; 132.48; 132.51; 132.52.

[2] Recommendations 132.2; 132.3; 132.25; 132.35; 132.40; 132.43; 132.57.

[3] Recommendations 132.1; 132.30; 132.32; 132.36, 132.37; 132.41;132.53; 132.54; 132.55; 132.56.

[4] Recommendations 132.26; 132.59; 132.60; 132.61.

[5] Recommendations 132.28; 132.33; 132.44; 132.47; 132.48; 132.49; 132.50; 132.82; 132.83; 132.84; 132.85; 132.86; 132.87.

[6] Recommendations 132.29; 132.46.
[7] Recommendation 132.33.
[8] Recommendation132.58.
[9] Recommendations 132.82; 132.83; 132.84; 132.85; 132.86; 132.87; 132.88.
[10] Recommendations 132.62; 132.64; 132.92; 132.93.
[11] Recommendation 132.63.
[12] Recommendations 132.63; 132.64; 132.66; 132.90; 132.91.
[13] Recommendation 132.95.
[14] Recommendation 132.65.
[15] Recommendations 132.67; 132.68.
[16] Recommendation 132.69.
[17] Recommendations 132.39; 132.70; 132.71; 132.72; 132.73; 132.74; 132.75; 132.76; 132.77.
[18] Recommendations 132.78; 132.79; 132.80.
[19] Recommendation 132.81.
[20] Recommendation 132.89.
[21] Recommendations 132.94; 132.96.
[22] Recommendation 132.95.
[23] Recommendations 132.97; 132.98.
[24] Recommendation 132.99.
[25] Recommendation 132.100.